



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically approved and signed.

Date: March 10, 2021

TO : The Commission
Alberta E. Mills, Secretary

FROM : Mary T. Boyle, Executive Director
Jennifer Sultan, Acting General Counsel

SUBJECT : FY 2021 Midyear Review

BALLOT VOTE DUE: Tuesday, March 16, 2021

In the attached memorandum, the Executive Director summarizes staff's Midyear Review recommendations to align the FY 2021 Operating Plan with the FY 2021 enacted appropriation, and presents options to allocate future unexecuted balances, should balances be available, to support existing project work.

Please indicate your vote on the following options:

- I. Approve the FY 2021 Midyear Review, as drafted.

Signature Date

- II. Approve the FY 2021 Midyear Review, with the following specified changes:

Signature Date

III. Do not approve the FY 2021 Midyear Review.

Signature

Date

IV. Take the other action specified below:

Signature

Date

Attachment:

Executive Director's Memorandum on the Fiscal Year (FY) 2021 Proposed Operating Plan Alignment and Midyear Review



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TO: The Commission

THROUGH: Alberta E. Mills, Secretary
Jennifer Sultan, Acting General Counsel

FROM: Mary T. Boyle
Executive Director

SUBJECT: Fiscal Year (FY) 2021 Proposed Operating Plan Alignment and Midyear Review

This memorandum summarizes staff's recommendations to align funding levels of the FY 2021 Operating Plan, approved by the Commission on November 10, 2020, with the FY 2021 Consolidated Appropriations Act (P.L. 116-260), enacted on December 27, 2020. The enacted FY 2021 CPSC appropriation is \$135 million, which is the same amount in the FY 2021 Operating Plan level approved by the Commission. However, the enacted appropriation dedicated \$1.3 million over the amount approved in the Operating Plan for the Virginia Graeme Baker Pool and Spa Safety Act (VGB) grant program and associated administrative costs. Staff proposes to fund this statutory mandate, while also funding all previously approved projects at the \$135 million level, by using \$1.3 million of a \$2.4 million rent credit related to the renegotiation of the NPTEC (5 RP) lease (Attachment 1). The rent credit was part of a routine renegotiation at the end of the lease term (November 30, 2020). GSA negotiated a nine month rent credit to secure a 15-year lease. This rent credit is available only in FY 2021.

In addition to aligning the FY 2021 Operating Plan with the FY 2021 enacted appropriations, the staff is also recommending projects for allocation of potential unexecuted balances, should they become available. Staff has identified over \$2.7 million in projects for funding consideration and listed them in priority order (Attachment 2). The prioritization of the projects is focused on three areas: diversity, inclusion, and equity initiatives related to the CPSC program work with external stakeholders¹; support for ongoing telework in the current environment and possible expanded telework post-pandemic; and mission project requests. Staff anticipates that \$2 to \$3 million in unexecuted balances may be available as the fiscal year progresses to fund these projects. This includes the remaining \$1.1 million of the rent credit.

If you have any questions on these staff recommendations, please contact me.

Attachments:

Attachment 1: Recommendation #1

Attachment 2: Project Descriptions and Recommendation #2

¹ Because there is sufficient funding within current allowances to conduct internal training and other initiatives to support diversity, inclusion, and equity initiatives within CPSC, we are not seeking additional funds for such purposes at this time.

Recommendation #1: Align the FY 2021 Operating Plan with the FY 2021 Enacted Appropriation

As set forth in Table 1, staff recommends that the Commission align the FY 2021 Operating Plan funding levels with the final enacted appropriation level.

Table 1. FY 2021 Enacted Appropriation Adjustments to Operating Plan *(dollars in millions)*

FY 2021 Request/Operating Plan	\$ 135.0
VGB Grant Increase	\$1.3
Rent Credit (one-time savings)	-\$1.3
FY 2021 Enacted Appropriation	\$ 135.0

Staff recommends that \$1.3 million be allocated for the VGB grant program and associated administrative costs, as enacted in the FY 2021 Consolidated Appropriations Act. This will be offset by \$1.3M of the \$2.4M rent credit resulting from the renegotiation of the lease at 5 RP.

Project Descriptions

Staff has identified projects for funding consideration in Table 2. These projects are in three areas: diversity, inclusion, and equity related to the CPSC program work; support for ongoing telework and possible expanded telework in a post-COVID-19 environment; and mission project work.

Table 2. Project Descriptions (*dollars in thousands*)

MY#	Project Title	Amount (in \$000)	Description
1	Safety Equity Studies	\$600	This project seeks contractor support to conduct a study evaluating differences in consumer safety risk by different demographic groups. The study will focus on high-risk areas, particularly looking at differences in falls, drownings, poisonings, and ATVs. To determine whether there are specific areas of risk within ethnic-racial, socioeconomic, or other diverse samples relative to these four high-risk areas, the contractor would analyze CPSC data and other data sources to impute demographic elements where CPSC data are lacking. Studying sub-groups of particular interest in these risk areas may help inform future targeting of messaging, outreach, and/or standard development to address risk more equitably.

MY#	Project Title	Amount (in \$000)	Description
2	Public Service Announcements (PSAs)	\$270	This project will create three PSAs that would feature actors representing vulnerable populations. Natural Disaster/Carbon Monoxide Safety will address the hazards and safety precautions before and after natural disasters, such as hurricanes, tornadoes, floods, and winter storms given the disproportionate effect they have on vulnerable populations. Baby Safety will address best practices, including safe sleep and baby proofing. Multigenerational Home Safety will focus on measures that should be taken in multigenerational homes, often existing in vulnerable populations. The PSA would address hazards ranging from child safety to senior safety. The additional funding would support production, distribution, and marketing costs for the new PSAs. A new video distribution strategy would deliver new PSAs through highly targeted placements on advertising-supported streaming services. The agency does not have current PSAs for these three safety issues.
3	CPSC Safety Education Materials for Vulnerable Populations	\$200	This project will use cross-cultural consulting services to ensure authenticity and full representation in safety education materials for vulnerable populations (e.g., Black, Hispanic, Asian, Native American, LGBTQIA+, Disabled). Consumers in these populations would benefit greatly from the CPSC expanding expertise in marketing to these groups.

MY#	Project Title	Amount (in \$000)	Description
4	Language and Disability Access	\$145	This project will develop and implement a system for enhancing access to agency activities for people with limited English language proficiency. High-quality translations of recall information and other educational materials would improve the agency's effectiveness in reaching millions more consumers. Incident reporting and inspections of firms will be improved with access to telephone interpreters to ensure that language is never a barrier to executing our mission. As required in Section 504 of the Rehabilitation Act, this project will also acquire live captioning and sign language services for public hearings, Commission meetings, livestreams, and press conferences to provide access for individuals who are deaf, and/or hard of hearing.
5	Safety Campaigns	\$290	This proposal will amplify CPSC's safety messaging, by using two platforms to reach vulnerable populations. Leveraging tools, such as public signage and public transportation advertising, will provide a valuable and highly visible presence for safety messaging to reach racially diverse communities. This proposal will build upon the current motor vehicle network outreach pilot by focusing on vulnerable populations. Messaging will include such topics as poison prevention, consumer product chemical safety, and other safety education information, as well as promote the SaferProducts.gov website.

MY#	Project Title	Amount (in \$000)	Description
6	Conference Room Upgrades	\$65	This project supports current and ongoing telework in the post-COVID-19 environment by equipping a designated conference room at headquarters to improve video conferencing capabilities and integrate with the Cisco Unified Communications solutions. This project will serve as a prototype for possible future expansion of such capabilities. Staff will assess the prototype and determine if there is a need to integrate this video conferencing capability to additional conference rooms.
7	Telework Equipment	\$646	As we anticipate ongoing telework in the current environment and possible expanded telework post-pandemic, a greater need exists to ensure a seamless environment between onsite and remote locations. In addition, the agency transitioned to telework in an abbreviated period of time, using all materials on hand, including reconditioned laptops, to facilitate immediate telework capabilities. Funds from this project will be dedicated to providing equipment such as docking stations, upgraded laptops, monitors, and USB keyboards and mice, among other required equipment.
8	Internet of Things	\$200	The project continues developing methods to analyze connected consumer products for vulnerabilities. Specifically, the contractor will develop and document a methodology for assessing vulnerabilities of connected heat-producing appliances, control devices, and safety equipment, such as sous vide cookers, coffee makers, toaster ovens, HVAC-programmable thermostats, and smoke alarms.

MY#	Project Title	Amount (in \$000)	Description
9	Bath Surface Research	\$150	This project will pursue methods to evaluate bath surface safety to support voluntary standard activities and to address fall hazards. The research will support ASTM's ongoing revision of F462, a standard created in the 1970s that has not undergone any substantial updates in more than 20 years. If not funded, this will reduce the capacity and knowledge necessary to advocate for updates to the voluntary standard to address fall hazards, one of the leading hazards identified by the risk management division.
10	Riding Mower Backup and/or Rollover Study	\$150	This project seeks to study the top two hazards associated with riding lawnmowers--backup injuries to small children, and rollover of product onto occupants. If not funded, this will reduce the capacity and knowledge necessary to advocate for updates to the voluntary standards that address riding mower hazards.

Recommendation #2: Authorize Projects to Fund from Unexecuted Balances, if Available

Staff recommends that the Commission approve the projects in Table 3, as listed in priority order, subject to available unexecuted balances this fiscal year.

Table 3. Recommended Projects (*dollars in thousands*)

Rank	Org	Project	Amount
1	EXHR	Safety Equity Studies	\$600
2	OCM	Public Service Announcements	\$270
3	OCM	CPSC Safety Education Materials for Vulnerable Populations	\$200
4	OCM	Language and Disability Access	\$145
5	OCM	Safety Campaigns	\$290
6	EXIT	Conference Room Upgrades	\$65
7	EXIT	Telework Equipment	\$646
8	EXHR	Internet of Things	\$200
9	EXHR	Bath Surface Research	\$150
10	EXHR	Riding Mower Backup and/or Rollover Study	\$150
Total			\$2,716

If authorized by the Commission, the agency would fund the recommended projects in priority order, subject to available unexecuted balances and acquisition feasibility. Projects that are not funded this fiscal year could be revisited in a future fiscal year, subject to resource availability and identified needs.